

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joel Lopez, Jr.,

Case No. 24-cv-3285 (KMM/DJF)

Petitioner,

v.

ORDER

Jared Rardin,

Respondent.

The above matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Dulce J. Foster, dated April 8, 2025. R&R, ECF No. 43. Mr. Lopez, Jr. filed a habeas petition challenging prison disciplinary sanctions on the ground that they violate the Seventh Amendment and the non-delegation doctrine. Respondent Jared Rardin argues the Petition is moot because the Bureau of Prisons (“BOP”) vacated the sanctions at issue. ECF No. 16 at 3. Mr. Lopez argues the voluntary cessation exception to the mootness doctrine applies, ECF No. 19 at 2–3, and asks the Court to enjoin the BOP from subjecting him to disciplinary proceedings a second time for the conduct underlying the sanctions. ECF No. 23 at 1.

In the R&R, Judge Foster recommended granting Mr. Rardin’s Motion to Dismiss [ECF No. 16]; denying Mr. Lopez, Jr.’s Petition for a Writ of Habeas Corpus [ECF No. 1]; denying Mr. Lopez, Jr.’s Motion for a Temporary Restraining Order and Preliminary Injunction [ECF No. 23]; and dismissing the matter. *Id.* Judge Foster specifically found

that two of Mr. Lopez, Jr.'s three claims were rendered moot by subsequent actions of the BOP, and that the third claim lacks merit substantively. No objections to the R&R have been filed in the time permitted.

The Court reviews *de novo* any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, Judge Foster committed no error, clear or otherwise. Therefore, the Court accepts the recommendations in full.

IT IS HEREBY ORDERED:

1. Magistrate Judge Dulce J. Foster's Report and Recommendation dated April 8, 2025 [ECF No. 43] is **ACCEPTED**;
2. Mr. Rardin's Motion to Dismiss [ECF No. 16] is **GRANTED**;
3. Mr. Lopez, Jr.'s Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**;
4. Mr. Lopez, Jr.'s Motion for a Temporary Restraining Order and Preliminary Injunction [ECF No. 23] is **DENIED**; and
5. This matter is **DISMISSED WITH PREJUDICE**.

Let Judgment Be Entered Accordingly.

Date: May 28, 2025

BY THE COURT:

s/Katherine Menendez

Katherine Menendez
United States District Court